



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Albuquerque District  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No:	Date:
2004 00405	October 7, 2004
Phone:	Suspense Date:
(505) 342-3216	October 28, 2004
In Reply Refer to:	
District Engineer, ATTN: CESPA-OD-R	

## PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material as channel shaping and concrete lining in the Arroyo de Domingo Baca in Albuquerque, Bernalillo County, New Mexico. The project will include shaping and concrete lining of approximately 1049 feet of the arroyo between the North Diversion Channel inlet and the Washington Street crossing. Approximately 26,247 cu yds of soil will be excavated and disposed from the site; 5,568 cu yds of soil will be used in channel shaping; 2,292 cu yds of concrete will be placed as permanent channel lining; and approximately 900 cu yds of riprap will be placed as a transition structure. Details of the proposed project are provided below.

Name of Applicant: City of Albuquerque, Department of Municipal Development, Storm Drain Division, P.O. Box 1293, Albuquerque, NM 87103-1293, ATTN: John Curtin, PE, phone (505) 768-2727.

Agent: Smith Engineering Company, ATTN: Patrick Conley, PE, 6400 Uptown Boulevard, NE, Suite 500E, Albuquerque, NM 87110, ph (505) 884-0700.

Location: The project is located in the Arroyo de Domingo Baca between the inlet to the North Diversion Channel and the Washington Street road crossing in Albuquerque, Bernalillo County, New Mexico, Twp 11N, Rge 3E (35° 10.5' N Latitude, 106° 35.0' W Longitude).

Description of Work: The project consists of constructing RPCC (reinforced portland cement concrete) channel lining in an unlined arroyo. The Beginning of Project (BOP) (downstream end of project) will connect to the existing inlet to the North Diversion Channel using a 50-ft long riprap outlet structure transitioning from the RPCC-lined channel. The new trapezoidal channel will be 50-ft wide at the bottom, 8.5' deep with side slopes of 2H:1V. This 50-ft trapezoidal section of channel will continue east (upstream) approximately 830 ft to approximately 170 ft west (downstream) of the Washington Street crossing. The channel will then transition from a 50-ft trapezoidal section to a 72-ft wide vertical walled channel connecting to vertical walls at Washington Street (End of Project). The total length of the project is 1,049 ft.

Total fills include approximately 26,247 cu yds of soil cut and disposed from the project; approximately 5,568 cu yds for fill and shaping; approximately 900 cu yds of riprap at the inlet transition; and approximately 2,292 cu yds of 8-in thick concrete placed as permanent channel lining.

The area to be filled within the limits of the ordinary high water mark varies between approximately 40' and 70' wide with a total project length of 1,049 ft (approximately 1.2 acres).

Work is expected to begin in October 2004 and be completed January 2005.

Purpose and Need: The stated purpose of the project is for flood control. The applicant states that the current unlined arroyo has less conveyance capacity than the future fully-developed flows from the upstream watershed. The proposed project provides for the safe conveyance of the eventual discharge of the fully-developed conditions. The existing unlined channel is also incising from current flows. The "clean" water from upstream development is collecting sediment from the channel banks resulting in some near vertical walls in some areas of the channel creating a potentially dangerous condition along the banks.

Mitigation Proposed by the Applicant: The project will include construction of rock berms at 150 ft intervals along the north side of the channel (see sketch). The area is 30 ft wide and continuous along the channel length. Each site will have a quarter circle rock berm that will intercept on-site flows for temporary ponding. The berms will provide temporary and/or permanent areas for wildlife to inhabit (shelter in the bushes, burrow into the rock berm areas, cover from predators). These areas will capture some of the runoff from rainstorms which will promote vegetation growth and possibly provide a source of drinking water for wildlife. The corridor, with the rock berm areas, will provide a "conduit" for wildlife migration east and west along the length of the project. The approximate area of the north side conduit is approximately 0.77 ac.

## NEWS RELEASE

Disturbed upland sites will be reseeded using a native seed mix (Indian rice grass, galleta grass, side oats grama, blue grama, sand dropseed, four-wing saltbush). North side area approximately 0.77 ac; south side area approximately 0.52 ac (20 ft wide between channel and maintenance road). The grass and bush cover will provide areas for cover and burrowing, and a conduit for east-west movement.

The channel lining will be constructed of tinted (tan) concrete. The outfall at the west end of the channel is a riprap structure which may provide habitat for small mammals such as rock squirrels. The outfall design may provide some localized ponding supporting moisture for wildlife and localized plant and grass growth.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant or agent, or from:

Jean Manger  
Albuquerque District, Corps of Engineers  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109-3435  
(505) 342-3216

Statement of Findings: An Class III intensive (100%) archeological survey was conducted by Marron and Associates, Inc. (MAI) on August 4, 2004, of 8.7 ac City of Albuquerque land. The MAI survey identified no archeological sites in the project area. The most recent listing of cultural properties in New Mexico shows no sites on or pending nomination to the State Register of Cultural Properties or the National Register of Historic Places in or immediately adjacent to the study area. New Mexico Cultural Resource Information System (NMCRIIS) files show no sites within a 1-mi radius of the project area. MAI prepared a cultural resources report, dated August 2004, entitled: "Cultural Resource Report, A Class I and Class III Cultural Resources Survey for Improvements to a Segment of the Domingo Baca Arroyo in North Albuquerque, Bernalillo County, New Mexico." The New Mexico State Historic Preservation Office concurred on August 25, 2004, that no historic properties will be affected by the project. This constitutes the extent of cultural resource investigations by the applicant and the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the NMSHPO will be contacted

for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for Bernalillo County, New Mexico:

Bald eagle, Haliaeetus leucocephalus, T  
Whooping crane, Grus americana, E  
Mountain plover, Charadrius montanus, T  
Mexican spotted owl, Strix occidentalis lucida, T  
SW willow flycatcher, Empidonax traillii extimus, E, CH  
Rio Grande silvery minnow, Hybognathus amarus, E, CH  
Black footed ferret, Mustela nigripes, E

Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the New Mexico Environment Department for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the Albuquerque District Office, U.S. Army Corps of Engineers, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than **October 28, 2004**. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental

Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

Department of Public Safety  
State Floodplain Coordinator  
Attn: Mr. Bill Borthwick  
email: [wborthwick@dps.state.nm.us](mailto:wborthwick@dps.state.nm.us)  
Phone: 505-476-9617

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Todd Wang  
Lieutenant Colonel, U.S. Army  
District Engineer

Enclosure